

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RAHCHIDATOU ABIBOU,

*Plaintiff,*

v.

ENVOY AIR INC.,

*Defendant.*

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CIVIL ACTION NO. \_\_\_\_\_

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Envoy Air Inc. (“Envoy”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this action from the 101<sup>st</sup> District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas. The grounds for removal are as follows:

**PROCEEDINGS IN STATE COURT AND TIMELINESS OF REMOVAL**

1. Plaintiff Rahchidatou Abibou (“Abibou”) filed a civil action in the 101<sup>st</sup> District Court, Dallas County, Texas on August 10, 2021 entitled Rahchidatou Abibou v. Envoy Air Inc., that was assigned Case No. DC-21-11041 (“State Lawsuit”).

2. Abibou has not yet served Envoy with the Summons and Complaint in the State Lawsuit.

3. This Notice of Removal is timely filed because not more than thirty days have passed since the service of the initial pleading setting forth the claim for relief upon which the state court action is based. See Delgado v. Shell Oil Co., 231 F.3d 165, 177 (5th Cir. 2000) (“We read § 1446(b) and its ‘through service or otherwise’ language as consciously reflecting a desire on the part of Congress to require that an action be commenced against a defendant before removal, but

not that the defendant have been served.”); Baker v. Bell Textron, Inc., No. 3:20-CV-292-X, 2020 WL 5513431, at \*5 (N.D. Tex. Sept. 14, 2020) (service is not a condition precedent to removal).

4. A copy of the Complaint in the State Lawsuit is attached hereto as Exhibit A-2.

### **JURISDICTION**

5. This matter is a civil action over which this District Court has original jurisdiction under 28 U.S.C. §§ 1331 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a) in that it is a civil action arising under the laws of the United States over which the district courts of the United States have original jurisdiction.

6. In Counts One and Two of the Complaint, Abibou alleges federal claims of discrimination and retaliation, respectively, under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (See Compl. ¶¶ 17–37.) Accordingly, this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331 and the entire action is subject to removal to this Court pursuant to 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), the United States District Court for the Northern District of Texas is the appropriate court to which to remove this action from the 101<sup>st</sup> District Court, Dallas County, Texas, where the action was filed.

8. Pursuant to 28 U.S.C. § 1446 and Rule 81.1 of the Local Rules of Practice for the U.S. District Court for the Northern District of Texas, attached as **Exhibit A** to this Notice of Removal is an index of all documents that were filed in the State Lawsuit, a copy of the docket sheet in the State Lawsuit, and a true and correct copy of each and every document filed in the State Lawsuit. Defendant will also separately file a Certificate of Interested Persons pursuant to Local Rule 81.1.

9. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the 101<sup>st</sup> District Court, Dallas County, Texas.

WHEREFORE, Defendant Envoy Air Inc. respectfully requests that this action be removed to this Court and that it be placed on the docket of this Court for all further proceedings.

Respectfully Submitted,

/s/ Theanna Bezney

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**ATTORNEYS FOR DEFENDANT  
ENVOY AIR INC.**

**CERTIFICATE OF SERVICE**

I certify that on September 9, 2021, I served the forgoing document on Plaintiff Pro Se via electronic service and U.S. First Class Mail:

Rahchidatou Abibou  
1121 Beachview Street, Apt. 3106  
Dallas, TX 75218  
*Rahchida.abibou@gmail.com*

/s/ Theanna Bezney

Theanna Bezney